



NONCONFORMING USES*

19.66.010 PURPOSE

- C This Chapter provides for the orderly termination of nonconforming rights for buildings and uses in order to promote the public health, safety, and general welfare, and to bring such buildings and uses into conformity with the goals, objectives, and policies of this zoning ordinance and the General Plan.
- C This Chapter limits the expansion of nonconforming uses and buildings, establishes the circumstances under which they may be continued, and provides for the correction, maintenance, and removal of such uses and buildings.
- C Nonconforming uses within the City are detrimental to the orderly development of the City and are detrimental to the health, safety, peace, comfort, and general welfare of persons and property within the City.
- C Nonconforming uses shall be eliminated as rapidly as possible as set forth in this ordinance and without infringing upon the constitutional rights of the owners of nonconforming properties.

10.66.020 DISCONTINUANCE OF NONCONFORMING USE

- A. Except as otherwise provided for nonconforming single-family residential uses, whenever a nonconforming use has been discontinued for a continuous period of 180 days or more, or whenever a nonconforming use is changed to another use, the nonconforming use shall not be reestablished and the use of the structure or site thereafter shall be brought into conformity with the zone in which it is located. A nonconforming single-family residential use which has been discontinued for a period of 180 days or more may be reestablished subject to the granting of a **minor conditional use permit** and affirmative determinations on the following findings:
 - C The continuation of the nonconforming single-family residential use will not adversely affect or be detrimental to the health, safety, and general welfare of the public or property or improvements within the area;
 - C The nonconforming single-family residential use is substantially compatible with existing and proposed uses in the general area, including factors relating to the nature of its location, operation, building design, and site design;
 - C The continuation of the nonconforming single-family residential use will protect a valuable property investment.
- B. Discontinuation shall include any termination of a use, regardless of intent to resume the use.

19.66.050 RESTORATION OF A DAMAGED STRUCTURE

- A. Whenever a structure which does not comply with the development standards of the underlying zone including setbacks, height of structures, distances between structures, or parking, or the use of which does not conform with the regulations of the underlying zone, is destroyed by fire or other calamity, by act of God, or by the public enemy to the extent of fifty percent or less, the structure may be restored and the nonconforming use may be resumed, provided that the restoration is started within 180 days, and diligently pursued to completion. When the destruction excess 50 percent or the structure is voluntarily razed or is required by law to be razed, the structure shall not be restored except in full conformity with the regulations of the zone in which it is located.
- B. The extent of damage or partial destruction shall be based upon the ratio or the estimated cost of restoring the structure to its condition prior to such damage or partial destruction to the estimated cost of duplicating the entire structure as it existed prior thereto. Estimates for this purpose shall be made by or shall be reviewed and approved by the Building Official and the Zoning Administrator and shall be based on the minimum cost of construction in compliance with the Building Code.

(continued)

~ Compiled from Title 19 (Zoning) of the Municipal Code and edited for Clarity. Title 19 is applicable unless superseded by a Specific Plan, which may be more restrictive than the Zoning Code.

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19.66.060 ALTERATIONS, ADDITIONS, AND EXPANSIONS TO NONCONFORMING USES AND STRUCTURES

- A. Routine maintenance and repairs may be performed on a nonconforming use or structure provided such work does not involve structural alterations, reconstruction work, or any enlargement of the structure subject to the granting of building permits as required by the Building Official.
- B. Except as otherwise provided for nonconforming residential uses, expansion of a nonconforming use to displace a conforming use or to occupy any part of any structure or site it did not occupy at the time it became nonconforming is prohibited unless a conditional use permit is first obtained. In granting a conditional use permit, the following findings shall be made:
 - C Such expansion will protect a valuable property investment;
 - C Such expansion and the proposed use will not adversely affect or be materially detrimental to the surrounding neighborhood;
 - C There is a need for relief of overcrowding conditions or for modernization in order to properly operate the use and protect valuable property rights.
- C. A nonconforming residential use may be expanded on the legally recognized parcel upon which it is established, subject to the granting of a minor conditional use permit and compliance with the following findings:
 - C The expansion shall not be for the purpose of increasing the number of living units on the property;
 - C The expansion shall benefit the health, safety, and welfare of the occupants;
 - C The expansion shall be architecturally compatible with the existing building;
 - C The expansion shall be compatible with the character of the surrounding area;
 - C The expansion shall not displace on-site parking.
- D. The provisions of paragraphs B and C of this Section do not apply to property zoned “RA” or “RC” and described in Sections 3 or 4 of Measure R, enacted November 13, 1979.
- E. No nonconforming structure shall be altered or reconstructed so as to increase the discrepancy between existing conditions and the standards for the front setback, side setbacks, rear setback, height of structures, distances between structures and the parking facilities as prescribed in the regulations for the zone in which the structure is located.

19.66.070 ZONING ADMINISTRATOR DETERMINATION

All administrative decisions, including requests as to whether a use qualifies as a nonconforming use, whether a nonconforming use can be restored after partial destruction, or whether a building permit can be issued for work on a nonconforming use shall be reviewed by the Zoning Administrator to determine compliance with this chapter. The Zoning Administrator shall act within thirty days of the receipt of a complete application. The Zoning Administrator may approve, deny, conditionally approve or refer any determination request to the Planning Commission. Any approval, denial, or conditional approval of the Zoning Administrator may be appealed in accordance with Chapter 2.40.030 of the Municipal Code.